

REMARKS/ARGUMENTS

The Office Action mailed July 15, 2003 has been reviewed and carefully considered. Claims 1-10 are pending in this application, with claims 1 and 10 being the only independent claims. Reconsideration of the above-identified application in view of the following remarks is respectfully requested.

In the Office Action mailed July 15, 2003, claims 1-10 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,814,235 (Pellegrino).

The present invention relates to a grid for absorption of X-rays. Independent claim 1 recites that the grid includes a plurality of layers and the "at least one of the plurality of layers comprises at least two wire elements that are separate from each other and are spaced apart in the at least one of the plurality of layers". Accordingly, independent claim 1 requires that one layer of the grid includes two wire elements that are separate from each other and spaced apart within the one layer of the grid.

Pellegrino is directed to a grid for absorption of X-rays with a plurality of layers. However, it is respectfully submitted that Pellegrino fails to disclose that one of the layers includes "at least two wire elements that are separate from each other and are spaced apart", as recited in independent claim 1. In contrast, Pellegrino discloses that each layer 21-29 of the grid, is made from a metallic foil sheet (see col. 4, lines 47-49). As further explained in col. 4, lines 49-53 of Pellegrino, aligned portions of the sheets are removed by chemical milling or photo-etching. The layers 21-29 are stacked to form the grid (see col. 4, lines 53-58). In each layer 21-29, partition segments 34, which are the only part of the foil remaining after the chemical milling, define air cells or passageways 31 (col. 5, lines 12-17). The aligned partition segments 34 of each layer 21-29 in the stack form sidewalls 36 of the passageways (col. 5, lines 17-20).

The Examiner states that Pellegrino discloses wire elements and refers to Fig. 1 and reference character 31. As explained above, reference character 31 refers to the passageways formed by the holes in each layer of the stack. Each layer 21-29 is made from one sheet of material and therefore does not have more than one element. Furthermore, the interconnected partition segments 34 of each layer, which are the only part of the foil sheet remaining after the chemical milling, can not be considered separate wire elements within a layer because each segment 34 is a portion of the one foil sheet of that layer. Accordingly, the partition segments 34 in each layer are all part of one sheet used to form that layer.

In the Examiner's response to the previous amendment filed on June 30, 2003 on page 3 of the Office Action, the Examiner states that Pellegrino discloses the claimed invention because Pellegrino comprises "a plurality of wire element layers which are indeed separate from each other". However, independent claim 1 does not require that wire elements in different layers are separate from each other. Rather, independent claim 1 requires that one of the layers of the grid includes two wire elements and that the two wire elements within the one of the plurality of layers are separate and spaced apart. As described above, it is respectfully submitted that Pellegrino fails to disclose "at least two wire elements that are separate from each other and are spaced apart in the at least one of the plurality of layers", as recited in independent claim 1.

In view of the above remarks, it is respectfully submitted that independent claim 1 is not anticipated by Pellegrino.

Independent claim 10 also recites "at least one of the plurality of layers comprising a plurality of wire elements that are separate from each other and are spaced apart in the at least one of the plurality of layers". In contrast, each layer of Pellegrino is a metallic foil sheet that has been etched or milled to have holes therethrough which fails to disclose a layer having two separate

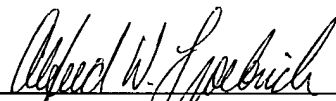
wire elements that are separate and spaced apart. Accordingly, Pellegrino also fails to anticipate independent claim 10.

Dependent claims 2-9, being dependent on independent claim 1, are allowable for at least the same reasons as is independent claim 1.

The application is now deemed to be in condition for allowance and notice to that effect is solicited.

Respectfully submitted,

COHEN, PONTANI, LIEBERMAN & PAVANE

By 
Alfred W. Froeblich
Reg. No. 38,887
551 Fifth Avenue, Suite 1210
New York, New York 10176
(212) 687-2770

Dated: November 17, 2003